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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,551	04/07/2005	William Hugo Geisselc	1342/058	7626
22440	7590	06/22/2007		
GOTTLIEB RACKMAN & REISMAN PC			EXAMINER	
270 MADISON AVENUE			LE, MARK T	
8TH FLOOR				
NEW YORK, NY 100160601			ART UNIT	PAPER NUMBER
			3617	
			MAIL DATE	DELIVERY MODE
			06/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/530,551	Applicant(s) GEISSELE, WILLIAM HUGO	
	Examiner Mark T. Le.	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Maserang (US 1,489,607).

Maserang discloses an anchoring device having all the features recited in the instant claims, including protruding boss 12 provided a plurality of single recesses or grooves.

Regarding the statement of intended use with the method of claim 1, as recited in claim 12, note that since the prior art structure is inherently capable of the instant claimed intended use, the instant claimed intended use limitation is considered met.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maserang (US 1,489,607) in view of Eklund (US 2,324,142).

Maserang discloses a railway rail fastening assembly, similar to that recited in the instant claims, including metal railway rail support 10 that is provided with two holes

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16' shown in Figure 3 of Maserang for receiving protruding bosses 17 of anchoring devices. It is noted that the protruding bosses of Maserang are not believed to have an elastic set.

Applicant should consider the anchoring device of Eklund; wherein, the protruding boss 12 of the anchoring device is made of a ductile metal having an elastic set such that the protruding boss can be deformed into a fixed anchor.

In view of Eklund, it would have been obvious to one skilled in the art to modify the protruding bosses of Maserang, into protruding bosses similar to that taught by Eklund, so as to achieve a strong anchoring capability as expected from the structure of Eklund.

Regarding the instant claimed single or a plurality of non-helical grooves, consider grooves 19, 21, 23 as shown in Figure 3 and the similar grooves shown in Figure 7 of Eklund, which are also readable as being substantially that of buttress threads.

Regarding the instant claimed support being a railway sleeper or a base plate, note that support 10 of Maserang is a sleeper, and the top part of said sleeper is readable as a base plate.

Regarding the instant claimed materials being steel and ductile iron, as recited in instant claim 16, note that sleeper or support 10 of Maserang is made of a metal and the protruding boss 12 of Eklund is made of a ductile metal. It certainly would have been obvious to one skilled in the art that steel and ductile iron are metals within the context or scope of teachings of Maserang and Eklund; therefore, it would have been

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obvious to one skilled in the art to use commercially available steel and ductile iron as the metal and ductile metal, respectively, for forming the corresponding rail support and anchoring device of Maserang, as modified, so as to achieve the expected advantages of such commercially available metal and ductile metal, respectively.

5. Claims 1-11 are allowable.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 571-272-6682. The examiner can normally be reached on Mon-Fri, between 9AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark T. Le
Primary Examiner
Art Unit 3617

mle
6/13/07